Who Are These Women, Why Are They in Prison, and Why Does It Matter?

Presentation to the
Criminal Justice Reform
Subcommittee
April 23, 2014
by the

New Mexico Women's Justice Project

Why It Matters

It is: a children's issue a disability issue a fiscal issue a family issue a mental health issue a human rights issue

Who Are These Women?



Adverse Childhood Experiences (ACE)

Individual

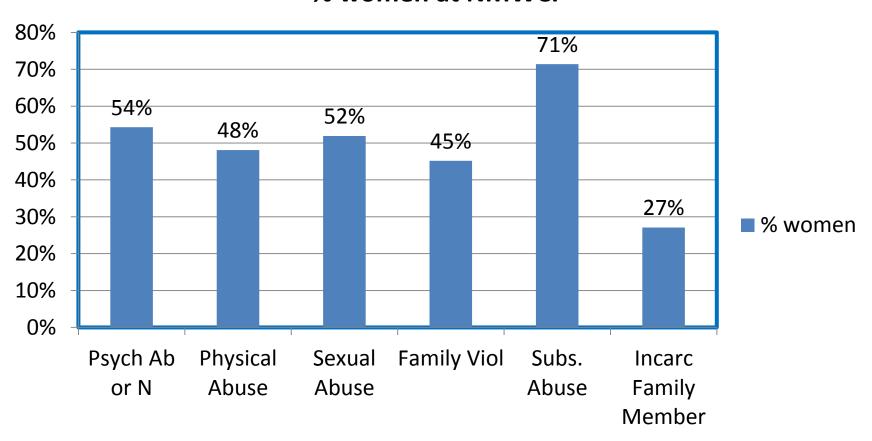
- Physical abuse
- Sexual abuse
- Psychological abuse
- Physical neglect
- Emotional neglect

Household Dysfunction

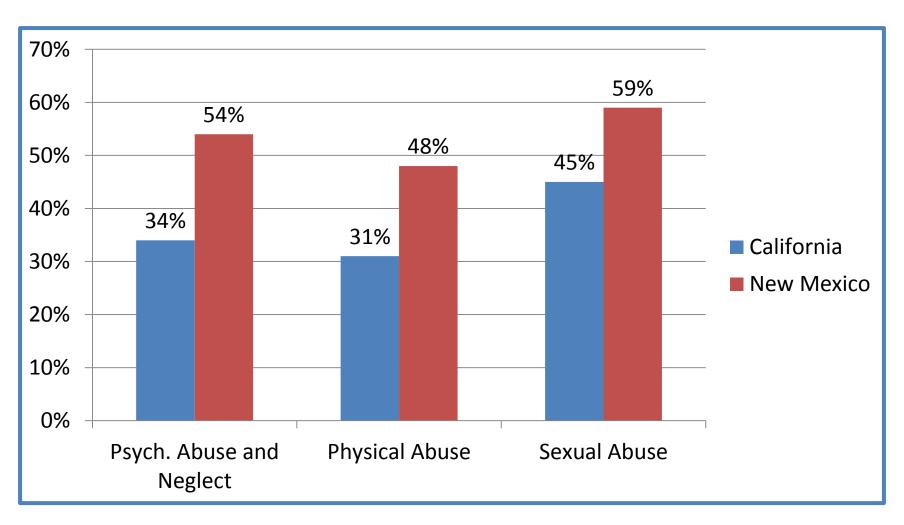
- Substance abuse
- Mental illness
- Mother/stepmother treated violently
- Criminal behavior
- Parents separated or divorced

ACE in New Mexico's Female Inmates 2010

% women at NMWCF



Incarcerated Women in New Mexico and California



Physical and Mental Health Issues

- Not included in NM study of female inmates.
- In California, as the number of ACE indicators increased, the number of physical and mental health problems also increased.
- Bureau of Justice Statistics, 73% of female inmates in prison and 75% of female inmates in jails had mental health problems

Paths to and from Prison

Path to Prison

- Physical or sexual abuse or both
- Leads to trauma
- Use of alcohol or drugs to kill the pain
- Encounters with the police

Path Away From Prison

- Effective Substance Abuse Treatment
- Adequate health care
- Diagnosis and treatment of mental health issues
- Education and job training
- Access to housing on release
- Assistance with family unification

Capacity of NMWCF

2013 – 606 beds

2014 – 706 beds

Population at end of March 2014 – 667

The added capacity comes from "double bunking"

RFP for new Women's Prison

- RFP issued in January 2014 for a new women's prison with a capacity of 850 beds
- Bids are to be submitted by end of April 2014 and contract to be awarded in June 2014

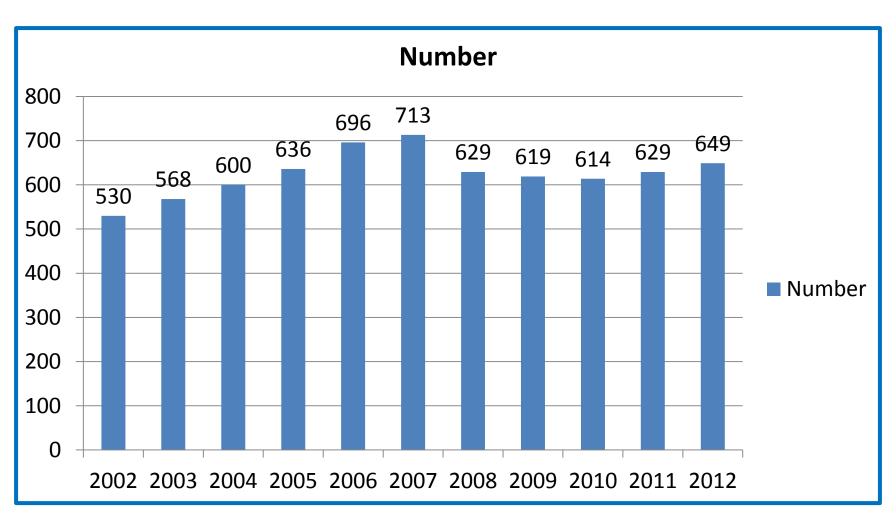
Why One Central Prison?

Why not several smaller, regional prisons?

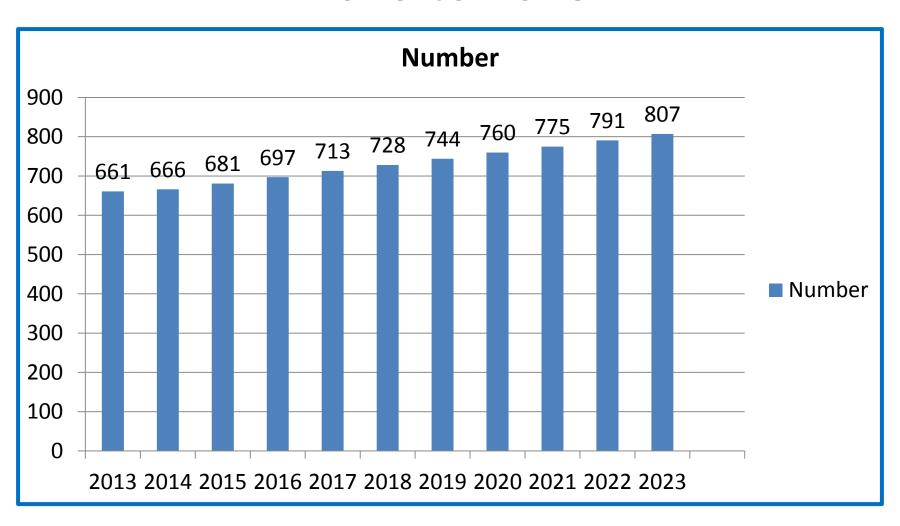
Family is a big issue for incarcerated women and for their children. In FY 2009, 87% of the women in prison were mothers.

Imagine the time and expense of travel from, for example, Roswell or Raton, to Grants.

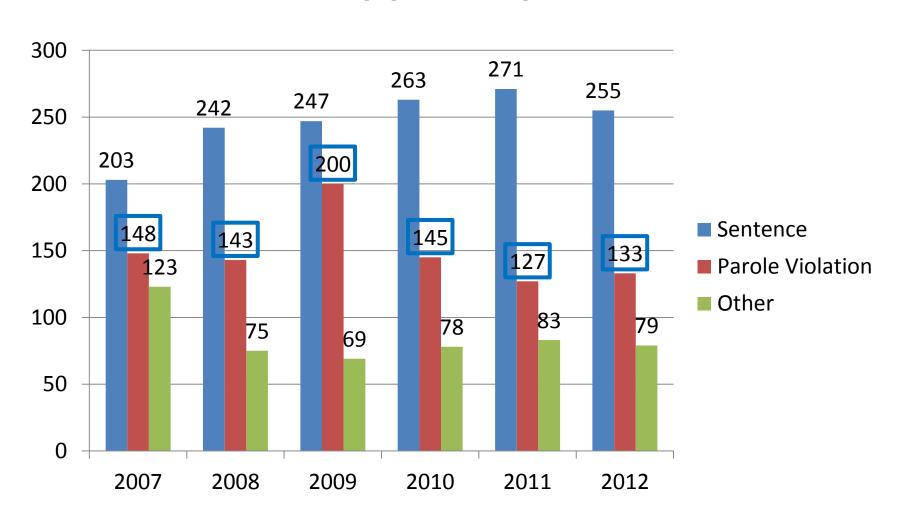
Actual Number of Female Prisoners 2002 to 2012



Projected Number of Female Prisoners 2013 to 2023



New Admissions to NMWCF 2007 – 2012



Requested Legislative Action

 1. Amend the law to encourage judges to have diagnostic evaluations performed locally rather than at NMWCF. (LFC)

• 2. Change the statute so that a person will be committed to a prison facility only if the person will serve one year or more after deductions are made for presentence confinement credit and any portions of the sentence that are suspended or deferred. (LFC)

Types of Crimes by Gender

Men 2012 admissions

 Violent 	809	42%
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- Property 397 20%
- Drugs 646 33%
- Other <u>93</u> 5%
- Total 1945

Women 2012 Admissions

- Violent 63 25%
- Property 77 30%
- Drugs 105 41%
- Other 10 4%
- Total 255

- Property & Drugs 53.6%
- Property & Drugs 71.3%

Incarceration Does Not Cure Addiction

- Corrections estimates 75% of inmates have drug/alcohol problems.
- In FY 2011 there were 6,700 people in prison and only 700 beds for treatment.
- There is no aftercare program.
- The recidivism rate for those completing an NMCD treatment program was 51.6%, which is higher than the overall recidivism rate of 44.6%

Requested Legislative Action

3. Require that first-time, nonviolent offenders be placed on probation and ordered into mandatory drug or alcohol courts as appropriate.

Requested Legislative Action

4. Expand Funding for Drug and Alcohol Courts FY 2010

Type	Av. Cost	Av. Recidivism
Drug Court	\$20.59	4%
NMCD	\$92.89	45%

Parole Revocations

• In 2011, 54% of parole revocations were for alcohol or drug violations.

Why not send these people to treatment rather than back to prison?

Mental Health

Find a better way to deal with the mentally ill than to:

- Put them in jails or prisons,
- Leave them to wander the streets, homeless
- Relegate them to substandard housing

In-House Parole/Release-Eligible Inmates

- IHP/REI --inmates who are serving some or all of their parole in prison.
- Number has been increasing since 2010.

283 inmates on February 28, 2014

In June 2012, the Legislative Finance Committee estimated this cost NMCD \$10 million a year.

Scratched Hearings 23% in FY 2012 33% in FY 2013

Туре	Scheduled	Held	Scratched
Parole	352	271	81 23 %
Violations	128	122	6
2013			
Parole	427	285	142 (33%)
Violations	109	96	13

RESCHEDULING

Calendar Year 2013 426 hearings requested 322 hearings held 104 scratched (25%)

One week to one month	58 (56%)
1 to 2 months	27
2 to 3 months	8
More than 3 months	8
Not yet scheduled	3

Reasons for IHP/REI 2/28/14

Men			Women		
•	Awaiting Program Bed	24.5%	•	Scheduled to see Parole Bd	21.1%
•	Hard to Place	14.7%	•	Parole Certificates Pndg	15.9%
•	Parole Certificate Pndg	12.7%	•	PPCO Investigation Pndg	15.8%
•	Ready to Release/Disch	11.4%	•	Inmate won't participate	13.2%
•	Needs New Plan/Follow	9.4%	•	Needs New Plan/Followup	13.2%

Ultimate Cost of IHP to Community

In FY 2011, 113 prisoners completed their parole period in prison and were released to the community with no supervision.

Requested Legislative Action

- Provide fines or other financial disincentives for private prisons for every day that a woman is classified as IHP/REI
- 7. Evaluate the parole system. Is it effective? Are there ways to improve it? Should it be substantially reformed or even eliminated?

Expand Services Available to Parolees

- Aftercare for women who were in a treatment program in prison.
- Drug and alcohol treatment for those who were not able to participate in prison.
- Mental Health Treatment for those who need it.
- Transportation for those with no vehicle.
- All costs to be paid by the State of New Mexico

Halfway Houses

 2012 it cost \$8000 to house an inmate in prison for 90 days, but only \$1500 for the same person in a halfway house

 Some inmates who should be on parole are still in prison because they cannot pay the cost of a halfway house.

Housing for Parolees

- In order to move into subsidized housing, a person must have no felony convictions in the previous five years.
- Landlords are often reluctant to rent to parolees.

Requested Legislative Action

8. Require NMCD to pay the cost of halfway house placement or the first few months of rent for inmates when it can be demonstrated that the inmate does not have funding.

Requested Legislative Action

9. Amend the New Mexico Human Rights Act to prohibit discrimination against felons in housing.